

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

|  |                                 |
|--|---------------------------------|
| <b>IN RE:</b>  | §                               |
|  | §                               |
| <b>MO MONEY, LLC</b>                                   | § <b>Case No. 13-50098</b>      |
|  | § <b>(Chapter 11)</b>           |
| <b>Debtor</b>  | §                               |
|  | §                               |
|  | §                               |
|  | §                               |
| <b>WILLIE GARVIN,</b>                                  | §                               |
|  | §                               |
| <b>Plaintiff,</b>                                      | §                               |
|  | § <b>Adversary No. 13-05008</b> |
| <b>v.</b>  | §                               |
|  | §                               |
| <b>DONALD REID, DANIEL BRUSH<br/>AND MO MONEY, LLC</b> | §                               |
|  | §                               |
|  | §                               |
| <b>Defendants.</b>                                     | §                               |
|  | §                               |

**REPORT AND RECOMMENDATION**

On December 2, 2013, a Motion to Withdraw the Reference (the “Motion”) was filed by Plaintiff Will Garvin (the “Movant”). The Movant thereby sought an order withdrawing the district court’s General Order 84-14, Order of Reference of Bankruptcy Cases and Proceedings (the “Standing Order”) as it relates to this adversary proceeding in accordance with Federal Rule of Bankruptcy Procedure 5011. On December 17, 2013, Defendant Donald Reid filed a response objecting to the Motion (Doc. #30) and Defendant Daniel Brush filed an objection and response to the Motion (Doc. #33).

On January 21, 2014, the Court held a hearing on the Motion at which there appeared Willie Garvin, Donald Reid, Daniel Brush, and Mo Money, LLC (the “Parties”) by and through their respective counsel of record. At the hearing, the Parties announced an agreement as to the Motion. After due deliberation upon all of the matters submitted,

and based upon the agreement of the Parties, the Court finds that Garvin is entitled to a trial by jury in this proceeding, which he has not by any act or omission to date waived; and that Garvin does not consent to conduct a trial by jury in the bankruptcy court.

Pursuant to 28 USC § 157(a) and the Standing Order, the district court has generally referred all cases under the Bankruptcy Code and all proceedings “arising under” the Bankruptcy Code or “arising in” or “related to” a case under the Bankruptcy Code to the bankruptcy judges for the Eastern District of Texas. The district court is authorized by 28 USC § 157(d) to withdraw the reference as to any case or controversy “for cause shown.” For the reasons stated in the Motion, consistent with *Northern Pipeline Constr. v. Marathon Oil Pipe Line Co.*, 458 U.S. 50 (1982) and *Holland America Ins. Co. v. Succession of Roy*, 777 F.2d 992, 999-98 (5<sup>th</sup> Cir. 1985), this Court recommends that the district court withdraw the reference of this adversary proceeding pursuant to 28 U.S.C. §157(d) and that this adversary proceeding proceed to trial before the district court.

Signed on 1/29/2014

Brenda T. Rhoades SR  
HONORABLE BRENDA T. RHOADES,  
UNITED STATES BANKRUPTCY JUDGE